

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ORIGINAL  
**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.  
★ JAN 06 2005 ★

BROOKLYN OFFICE

-----X  
BARRY CALAMIA,

Plaintiff,

-against-

THE CITY OF NEW YORK, a municipal entity, NEW  
YORK CITY POLICE COMMISSIONER, RAYMOND  
KELLY, Individually and in his official capacity, NEW  
YORK CITY POLICE DEPARTMENT CAPTAIN  
"JOHN DOE", Individually and in his official capacity,  
NEW YORK CITY POLICE OFFICERS, "JOHN  
DOES", Individually and in their official capacities,  
NEW YORK CITY POLICE OFFICER, MARY  
CHRISTINE DOHERTY, Shield Number 24308,  
Individually and in her official capacity, and NEW  
YORK CITY POLICE OFFICER "JOE" PERRY,  
Individually and in his official capacity,

Defendants.

**STIPULATION AND  
ORDER OF  
SETTLEMENT AND  
DISCONTINUANCE**

04 CV 0639 (FB)(JMA)  
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**WHEREAS**, plaintiff commenced this action by filing a complaint on February 17, 2004, alleging that on or about February 21, 2001 to about June 18, 2001, his constitutional and common law rights were violated; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph “2” below.

2. The City of New York hereby agrees to pay plaintiff the sum of \$10,000 (Ten Thousand) Dollars in full satisfaction of all claims, including claims for costs, expenses and attorneys fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against defendants City of New York, New York City Police Commissioner Raymond Kelly, Sergeant Mary Christine Doherty, Police Officer “Joe” Perry, and parties identified as New York City Police Officers “John Does”, and to release all defendants, any present or former employees or agents of the City of New York and the New York City Police Department from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorneys fees.

3. Plaintiff shall execute and deliver to the City attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph “2” above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiff’s rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
November 1, 2004

Sheldon Krupnick, Esq.  
*Attorney for Plaintiff*  
100 Ring Road West  
Mall Center, Suite 201  
Garden City, New York 11530

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
*Attorney for Defendants*  
100 Church Street  
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(212) 788-9391

By: 

Sheldon Krupnick (SMK 3496)  
Attorney for Plaintiff

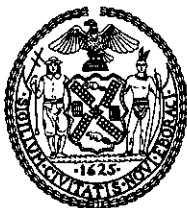
By: 

Alison Gugel (AG3698)  
Assistant Corporation Counsel

SO ORDERED:

s/Frederic Block

U.S.D.J.  1/5/05



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

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January 4, 2005

**BY HAND DELIVERY**

Honorable Frederic Block  
United States District Judge  
Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Barry Calamia v. City of New York et al.*, 04 CV 0639 (FB)(JMA)

Your Honor:

I am the attorney assigned to the defense of the above-referenced matter. The parties have agreed to settle the case. Accordingly please find enclosed herewith a fully executed Stipulation and Order of Settlement and Discontinuance for Your Honor's approval.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alison Gugel".

Alison Gugel(AG 3698)  
Assistant Corporation Counsel

Enc.

cc: Sheldon Krupnick, Esq. (**by facsimile w/enc.**)  
*Attorney for Plaintiff*  
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